

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>MARIA DEJESUS,</b>	:	
	:	
<b>Plaintiff</b>	:	<b>CIVIL ACTION NO. 1:20-1632</b>
	:	
<b>v.</b>	:	<b>(JUDGE MANNION)</b>
	:	
<b>KILOLO KIJAKAZI,</b>	:	
<b>Commissioner of</b>	:	
<b>Social Security,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

Pending before the court is the February 10, 2022 Report of Magistrate Judge Martin C. Carlson, which recommends that the decision of the Commissioner of Social Security denying the plaintiff's claims for disability insurance benefits under Title II and for supplemental security income under Title XVI of the Social Security Act be affirmed, and the plaintiff's appeal be denied. (Doc. 20). The plaintiff has filed timely objections to the report, (Doc. 21), to which the Commissioner has responded, (Doc. 22).<sup>1</sup>

When objections are timely filed to the report and recommendation of a magistrate judge, the district court must review *de novo* those portions of

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<sup>1</sup>As Acting Commissioner of Social Security, under Fed.R.Civ.P. 25(d), Kilolo Kijakazi is substituted for Andrew Saul as the defendant in this case.

the report to which objections are made. 28 U.S.C. §636(b)(1): [Brown v. Astrue](#), 649 F.3d 193, 195 (3d Cir. 2011). Although the standard is *de novo*, the extent of review is committed to the sound discretion of the district judge, and the court may rely on the recommendations of the magistrate judge to the extent it deems proper. [Rieder v. Apfel](#), 115 F.Supp.2d 496, 499 (M.D. Pa. 2000) (citing [United States v. Raddatz](#), 447 U.S. 667, 676 (1980)).

For those sections of the report and recommendation to which no objection is made, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” [Fed.R.Civ.P. 72\(b\)](#), advisory committee notes; see also [Univac Dental Co. v. Dentsply Intern., Inc.](#), 702 F.Supp.2d 465, 469 (2010) (citing [Henderson v. Carlson](#), 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

The plaintiff Maria DeJesus seeks judicial review of the Commissioner of the Social Security Administration’s final decision finding that she was not disabled commencing on her alleged onset disability date of May 11, 2016.

The plaintiff has essentially raised one argument in her objections to Judge Carlson's report which finds that substantial evidence supports the ALJ's decision that plaintiff can perform a range of light work with limitations to account for her physical and mental impairments, and that she was not disabled.

Specifically, the plaintiff argues that the report erred since substantial evidence does not support the ALJ's determination regarding the plaintiff's statements, her subjective complaints, and her alleged symptoms. Judge Carlson thoroughly discussed the ALJ's findings with respect to the evaluation of the plaintiff's statements and explained why they were consistent with the evidence in the record taken as a whole. Further, the report addressed the plaintiff's instant objections alleging that the ALJ placed too much weight on her improved condition and daily activities, and found that the ALJ did not err in considering this evidence in determining the severity of the plaintiff's symptoms. In short, as the report concludes, the ALJ properly considered the plaintiff's subjective complaints to the extent that they could "reasonably be accepted as consistent with the medical evidence and other evidence" in the record. See 20 C.F.R. §§404.1529(a), 416.929(a) (Doc. 20 at 35-37).

The court has reviewed the evidence of record and finds no clear error with regard to Judge Carlson's findings, including the ones he made on the stated issue. Moreover, the court agrees with the sound reasoning that led Judge Carlson to the conclusions in his report. As such, the court will adopt the report and recommendation of Judge Carlson as the decision of the court.

In light of the foregoing, **IT IS HEREBY ORDERED THAT:**

- (1) The plaintiff's objections to the report and recommendation of Judge Carlson, **(Doc. 21)**, are **OVERRULED**.
- (2) The report and recommendation of Judge Carlson, **(Doc. 20)**, is **ADOPTED IN ITS ENTIRETY**, as the ruling of the court.
- (3) The plaintiff's appeal, **(Doc. 1)**, of the Commissioner's final decision is **DENIED**.
- (4) The Clerk of Court is directed to **CLOSE THIS CASE**.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**Date: March 16, 2022**

20-1632-01